

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
CAPITOL RECORDS, INC. et al.,)	
Plaintiffs,)	Civ. Act. No. 03-cv-11661-NG
)	(LEAD DOCKET NUMBER)
v.)	
)	
NOOR ALAUJAN,)	
Defendant.)	
_____)	
SONY BMG MUSIC ENTERTAINMENT)	
et al.,)	Civ. Act. No 07-cv-11446-NG
Plaintiffs,)	(ORIGINAL DOCKET NUMBER)
)	
v.)	
)	
JOEL TENENBAUM,)	
)	
Defendants.)	
_____)	

PLAINTIFFS' ASSENTED-TO MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF REGARDING DEFENDANT'S CONDITIONAL MOTION TO COMPEL THE DEPOSITION OF MATTHEW OPPENHEIM

Plaintiffs, by and through their undersigned attorneys, hereby move, pursuant to Rule 7.1(B)(3) of the Rules of this Court, for leave to file a Supplemental Memorandum of Law relating to Defendant's Conditional Motion to Compel the Deposition of Matthew Oppenheim. Counsel for the Defendant has indicated that he does not object to the filing of this Supplemental Memorandum. In support of this Motion, Plaintiffs state as follows:

1. On January 20, 2009, Defendant filed a Motion to Compel the Deposition of Matthew Oppenheim (the "Motion to Compel"). See Dkt. No. 736.

2. On January 22, 2009, Plaintiffs filed a response in Opposition to Defendant's Motion to Compel. See Dkt. No. 739.

3. On February 23, 2009, without conferring with counsel for the Plaintiffs, Defendant filed a Motion for Leave to File a Reply (the "Reply Brief") to the Plaintiffs' Opposition to Defendant's Motion to Compel. See Dkt. No. 758. On February 25, the Court granted the Defendant's Motion for Leave to File the Reply Brief.

4. The Defendant's Reply Brief contains several new arguments not previously raised by the Defendant in support of the Conditional Motion. The Reply Brief also contains several factual misrepresentations relating to Mr. Oppenheim, the subject of the Motion.

5. Plaintiffs seek to submit a short supplemental memorandum to address the new arguments raised by the Defendant in his Reply Brief. A copy of the proposed supplemental memorandum is attached hereto as Exhibit A.

WHEREFORE, Plaintiffs respectfully request that this Court grant this Motion and allow Plaintiff's to file the Supplemental Memorandum attached hereto as Exhibit A.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

Undersigned counsel for the Plaintiffs hereby certifies that, on February 26, 2009, Timothy Reynolds, counsel for the Plaintiffs, conferred with Charles Nesson, Esq., counsel for the Defendant, regarding the relief requested in this Motion. Mr. Nesson informed Mr. Reynolds by e-mail that he had no objection to the relief requested herein.

/s/ Daniel J. Cloherty
Daniel J. Cloherty

Respectfully submitted,

SONY BMG MUSIC ENTERTAINMENT;
WARNER BROS. RECORDS INC.; ATLANTIC
RECORDING CORPORATION; ARISTA
RECORDS LLC; and UMG RECORDINGS, INC.

By their attorneys,

/s/ Daniel J. Cloherty
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Dated: February 27, 2009

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 27, 2009.

/s/ Daniel J. Cloherty